

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Veroblue Farms USA, Inc.,

Plaintiff,

—v—

Leslie A. Wulf, *et al.*,

Defendants.

19-mc-375 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

VeroBlue has asked for reconsideration of the Court’s June 25, 2020 order denying without prejudice its motion to compel.

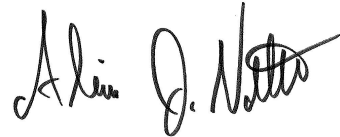
The Court adheres to its original conclusion that there is no reason why VeroBlue cannot seek production of the materials at issue through the regular discovery process. Indeed, Canaccord will not be in a position to argue that a separate motion to compel proceeding is the necessary vehicle for seeking production of the materials at issue for use in the Texas action since it successfully argued here that such a proceeding would be “duplicative” and reiterated that position in opposing reconsideration. *See* Dkt. No. 29 at 1 (“Your Honor was entirely correct in noting that ‘[t]here is no reason why the issues raised in this matter should be litigated separately from the regular discovery process.’”) (quoting Dkt. No. 27 at 1). This is true even though the claims against Canaccord have been severed from the Texas action. As long as VeroBlue can use the regular discovery process to seek the materials at issue, a separate motion to compel proceeding is unnecessary.

VeroBlue also raises the prospect that Judge Gardephe will stay all discovery pending Canaccord's forthcoming motion to dismiss and that Judge Gardephe will then dismiss the action, which would presumably take time and require VeroBlue to then re-initiate a separate motion to compel proceeding. But a stay of discovery pending a motion to dismiss is not automatic. VeroBlue will be free to raise the concerns discussed in its letter in opposing a stay of discovery. Moreover, regardless of how Judge Gardephe rules, the point is that the judicial decisions will be consolidated instead of being unnecessarily diffuse.

Accordingly, VeroBlue's request for reconsideration is denied.

SO ORDERED.

Dated: July 24, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", is written above a horizontal line.

ALISON J. NATHAN  
United States District Judge